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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE CEMETERY AND FUNERAL BUREAU**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

Case No. A1 2018 61

14 **WOODLAWN MEMORIAL PARK,**  
15 **RUBEN SUAREZ**  
16 **1715 West Greenleaf Blvd**  
17 **Compton, CA 90220**

**FIRST AMENDED ACCUSATION**

18 **Certificate of Authority License No. COA**  
19 **645,**

20 **and**

21 **RUBEN SUAREZ**  
22 **17157 Point Arguello Place**  
23 **Cerritos, CA 90703**

24 **Cemetery Manager License No. CEM 224**

25 Respondents.  
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1 Complainant alleges:

2 **PARTIES**

3 1. Gina Sanchez ("Complainant") brings this First Amended Accusation solely in her  
4 official capacity as the Bureau Chief of the Cemetery and Funeral Bureau ("Bureau"),  
5 Department of Consumer Affairs.

6 2. On or about September 5, 2012, the Bureau issued Certificate of Authority License  
7 No. COA 645 to Woodlawn Memorial Park ("Respondent Woodlawn"). The Certificate of  
8 Authority License was in full force and effect at all times relevant to the charges brought herein  
9 and expired on September 30, 2017, and has not been renewed.

10 3. On or about October 22, 2004, the Bureau issued Cemetery Manager License No.  
11 CEM 224 to Ruben Suarez ("Respondent Suarez"). The Cemetery Manager License was in full  
12 force and effect at all times relevant to the charges brought herein and expired on October 31,  
13 2017, and has not been renewed.

14 **JURISDICTION**

15 4. This First Amended Accusation is brought before the Director of the Department of  
16 Consumer Affairs ("Director") for the Bureau, under the authority of the following laws. All  
17 section references are to the Business and Professions Code ("Code") unless otherwise indicated.

18 5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender,  
19 or cancellation of a license shall not deprive the Board, Registrar, or Director of jurisdiction to  
20 proceed with a disciplinary action during the period within which the license may be renewed,  
21 restored, reissued or reinstated.

22 6. Code section 7686 states that:

23 The bureau may suspend or revoke licenses, after proper notice  
24 and hearing to the licensee, if the licensee has been found guilty by  
25 the bureau of any of the acts or omissions constituting grounds for  
26 disciplinary action. The proceedings under this article shall be  
conducted in accordance with Chapter 5 of Part 1 of Division 3 of  
Title 2 of the Government Code, and the bureau shall have all the  
powers granted therein.

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## STATUTORY PROVISIONS

7. Code section 7653.6 states, in pertinent part, that:

A cemetery licensed under this chapter shall at all times employ a licensed cemetery manager to manage, supervise, and direct its operations. Notwithstanding any other provision of this chapter, licensed cemeteries within close geographical proximity of each other may request the bureau to allow a licensed cemetery manager to manage, supervise, and direct the business or profession of more than one facility.

(a) Every cemetery shall designate a licensed cemetery manager to manage the cemetery, and shall report the designation to the bureau within 10 days of the effective date. Any change in the designated manager shall be reported to the bureau within 10 days.

(b) The designated cemetery manager shall be responsible for exercising direct supervision and control over the operations, employees, and agents of the cemetery as is necessary to ensure full compliance with the applicable provisions of this code, the Health and Safety Code, and any regulations adopted thereto. Failure of the designated cemetery manager or the licensed cemetery to exercise that supervision or control shall constitute a ground for disciplinary action. . . .

8. Code section 7653.8, subdivision (a), states that, "[a] person shall not engage in or conduct, or hold himself or herself out as engaging in or conducting, the activities of a cemetery manager without holding a valid, unexpired cemetery manager license issued by the bureau."

9. Code section 7711.1 states, in pertinent part, that:

Unprofessional conduct by any licensee or registrant or by any agent or employee of a licensee or registrant constitutes grounds for disciplinary action. Unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of this chapter and any regulation adopted thereunder, or of any federal or state law or regulation governing the disposition of human remains, operation of cemeteries or crematories, the sale of cemetery property, or the sale of crematory services or commodities. . . .

## REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 2333, states, in pertinent part, that:

(a) Every endowment care cemetery shall have cemetery maintenance standards to ensure the property is kept in a condition so as to prevent the cemetery's offensive deterioration. The cemetery maintenance standards shall be in accordance with either subdivision (b) or subdivision (c) of this Section.

(b) Each endowment care cemetery shall perform, at a minimum, the following maintenance on its cemetery property:

(1) Trim or mow grass and prune shrubs and trees in and around the cemetery. Grass shall be trimmed or mowed to a level where flat markers of individual graves can be seen.

(2) Suppress or remove weeds on the developed cemetery property.

(3) Provide a sufficient supply of water to keep cemetery grass and plants as green as seasonally possible in accordance with natural terrain, availability of water, and local or county ordinances regarding water use.

(4) Repair or restore improvements, structures and fences on the property which are owned by the cemetery.

(5) Keep cemetery roads seasonally accessible and repair surfacing which presents a hazard.

(6) Keep all occupied crypts and niches properly sealed or closed.

(7) Refill or reset settled graves and markers annually, or within 120 days of the cemetery office becoming aware of the issue.

(8) Repair any grave marker, monument, or burial vault that is damaged by the negligence of the cemetery or its employees or contractors.

(9) Supply and empty trash receptacles when filled, and keep public areas of the cemetery grounds and water features clear of trash and debris.

(10) Provide clear delineation of undeveloped cemetery property with the use of signage.

(11) Control vermin and insect problems. . . .

11. California Code of Regulations, title 16, section 2385, subdivision (b), provides, in pertinent part, that:

(b) When a citation containing an assessment of an administrative fine, an order of abatement, or both an administrative fine and an order of abatement is not contested or if the citation is appealed and the person or entity cited does not prevail, failure to pay the fine or abate the violation charged within thirty (30) days of the issuance or affirmation shall constitute a violation and may result in disciplinary action being taken by the bureau chief, or his or her designee. When a citation is not contested and a fine is not paid, the full amount of the fine shall be added to the fee for renewal of the license and the license shall not be renewed without payment of the renewal fee and fine.

12. California Code of Regulations, title 16, section 2388, subdivision (a),<sup>1</sup> provides, in pertinent part, that:

(a) Any cemetery authority that does not file the annual report required by section 9650 of the Business and Professions Code within the time prescribed by said Code shall be assessed a fine by the bureau chief, or his or her designee, in the amount of four hundred dollars (\$ 400) per month for a maximum of five (5) months. Failure to pay the fine within fifteen (15) days after receipt of written notification of the assessment or, where a timely request for waiver or reduction of the fine has been filed with the bureau

<sup>1</sup> Code section 9650 was repealed and its contents were recodified under Code section 7612.6 when the Cemetery Act and the Funeral Directors and Embalmers Law were merged into the Cemetery and Funeral Act, effective January 1, 2016, via Assembly Bill 180, filed October 1, 2015.

chief, within fifteen (15) days after receipt of written notification of the bureau chief's decision in the matter, shall be cause for disciplinary action.

### **COST RECOVERY**

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Unprofessional Conduct, Failure to Pay Citations)**

#### **Against Respondents Woodlawn and Suarez**

14. Respondents are subject to disciplinary action under Code section 7711.1, subsection (a), in conjunction with California Code of Regulations, title 16, section 2385, subdivision (b), on the grounds of unprofessional conduct. The circumstances are as follows:

15. From approximately July 2013 through April 2018, Respondents were issued multiple citations, including, but not limited to, Citation Nos. IC 2014 259 (issued to Respondent Woodlawn on November 24, 2014), IC 2015 244 (issued to Respondent Woodlawn on November 24, 2015), IC 2016 66 (issued to Respondent Woodlawn on July 19, 2016), IC 2016 206 (issued to Respondent Suarez on July 19, 2016), IC 2016 324 (issued to Respondent Woodlawn on November 30, 2016), IC 2016 228 (issued to Respondent Woodlawn on December 28, 2016), IC 2016 349 (issued to Respondent Suarez on December 28, 2016), IC 2017 49 (issued to Respondent Woodlawn on May 16, 2017), IC 2017 118 (issued to Respondent Suarez on May 16, 2017), IC 2017 270 (issued to Respondent Woodlawn on January 9, 2018), IC 2017 366 (issued to Respondent Suarez on January 10, 2018). However, Respondents failed to pay Citation Nos. IC 2016 324, IC 2017 270, and IC 2017 366.

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1                                   **SECOND CAUSE FOR DISCIPLINE**

2                           **(Unprofessional Conduct, Cemetery Maintenance Standards)**

3                           **Against Respondents Woodlawn and Suarez**

4           16. Respondents are subject to disciplinary action under Code section 7711.1, subsection  
5 (a), in conjunction with California Code of Regulations, title 16, section 2333, subsection (a) and  
6 (b), on the grounds that Respondents failed to have appropriate maintenance standards to ensure  
7 that the property is kept in a condition so as to prevent the cemetery's offensive deterioration  
8 and/or failed perform appropriate maintenance on cemetery property. The circumstances are as  
9 follows:

10          17. In or around April 2018, July 2018, and October 2018, an investigator from the  
11 Bureau visited Woodlawn Memorial Park and observed that the grounds were in a state of severe  
12 neglect and/or being kept in a condition that violated Respondents' written cemetery maintenance  
13 standards. For example, the grass was brown, much of the cemetery grounds were covered in  
14 weeds, many of the cemetery markers were unreadable due to vegetative overgrowth and dirt, and  
15 water spigots on the grounds were inoperable when tested. Also, when the investigator  
16 confronted Respondent Suarez about the poor condition of the cemetery grounds, Respondent  
17 Suarez admitted that the cemetery did not have running water as it had been turned off.

18          18. The Endowment Care Trust Fund that Respondents maintain for Woodlawn  
19 Memorial Park is insufficient to cover the current and future maintenance costs on a yearly basis  
20 required by California laws and regulations.

21                                   **THIRD CAUSE FOR DISCIPLINE**

22                           **(Unprofessional Conduct)**

23                           **Against Respondents Woodlawn and Suarez**

24          19. Respondents Woodlawn and Suarez are subject to disciplinary action under Code  
25 section 7711.1 for unprofessional conduct in that, in or around June 2018, Respondents did not  
26 locate the burial records of an individual interred at the cemetery upon request by the individual's  
27 family, failed to assist or offer to assist the family to locate the individual's interment site upon  
28

1 request, and failed to assist or offer to assist the family to determine what happened to the  
2 individual's missing headstone.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct, Operating with an Expired License)**

5 **Against Respondent Woodlawn**

6 20. Respondent Woodlawn is subject to disciplinary action under Code section 7711.1 on  
7 the grounds of unprofessional conduct in that Respondent Woodlawn has been operating as a  
8 cemetery with a Certificate of Authority License that expired on September 30, 2017, and has not  
9 been renewed.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Unlicensed Cemetery Manager)**

12 **Against Respondents Woodlawn and Suarez**

13 21. Respondent Woodlawn is subject to disciplinary action under Code section 7653.6 for  
14 failing to employ a licensed cemetery manager to manage, supervise, and direct its operations  
15 and, instead, employing Respondent Suarez as the cemetery manager, whose license has been  
16 delinquent since approximately October 31, 2017.

17 22. Respondent Suarez is subject to disciplinary action under Code section 7653.8,  
18 subdivision (a), for engaging in, conducting, or holding himself out as engaging in or conducting  
19 the activities of a cemetery manager without holding a valid, unexpired cemetery manager license  
20 issued by the Bureau since approximately October 31, 2017.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Failure to Exercise Direct Supervision and Control)**

23 **Against Respondent Suarez**

24 23. Respondent Suarez is subject to disciplinary action under Code section 7653.6,  
25 subdivision (b), for failing to exercise direct supervision and control over the operations,  
26 employees, and agents of the cemetery as is necessary to ensure full compliance with California  
27 law and regulations. Complainant refers to and hereby expressly incorporates the allegations  
28 within paragraphs 15 and 17 through 20, as though fully set forth herein.





1 file a report as provided in Code section 9650 and pay a fine in the amount of \$2,000 as provided  
2 in California Code of Regulations, title 16, section 2388. That Citation is now final, non-  
3 appealable, and is incorporated by reference as if fully set forth.

4 c. On or about July 19, 2016, the Cemetery and Funeral Bureau issued Citation  
5 Number IC 2016 66 to Respondent Woodlawn under California Code of Regulations, title 16,  
6 section 2333, and ordered Respondent Woodlawn to immediately perform minimum maintenance  
7 of its property. That Citation is now final, non-appealable, and is incorporated by reference as if  
8 fully set forth.

9 d. On or about July 19, 2016, the Cemetery and Funeral Bureau issued Citation  
10 Number IC 2016 206 to Respondent Suarez under Code section 7653.6, and ordered Respondent  
11 Suarez to exercise appropriate supervision and control as necessary in order to ensure compliance  
12 with California Code of Regulations, title 16, section 2333. That Citation is now final, non-  
13 appealable, and is incorporated by reference as if fully set forth.

14 e. On or about November 30, 2016, the Cemetery and Funeral Bureau issued  
15 Citation Number IC 2016 324 to Respondent Woodlawn, and ordered Respondent Woodlawn to  
16 file a report as provided in Code section 7612.10 and pay a fine in the amount of \$2,000 as  
17 provided in California Code of Regulations, title 16, section 2388. That Citation is now final,  
18 non-appealable, and is incorporated by reference as if fully set forth.

19 f. On or about December 28, 2016, the Cemetery and Funeral Bureau issued  
20 Citation Number IC 2016 228 to Respondent Woodlawn under Code section 7711.1, and ordered  
21 Respondent Woodlawn to stop performing dis-interments for relocation and leaving residual  
22 human remains on the surface of previous locations. That Citation is now final, non-appealable,  
23 and is incorporated by reference as if fully set forth.

24 g. On or about December 28, 2016, the Cemetery and Funeral Bureau issued  
25 Citation Number IC 2016 349 to Respondent Suarez under Code section 7653.6, subdivision (b),  
26 and ordered Respondent Suarez to stop performing dis-interments for relocation and leaving  
27 residual human remains on the surface of previous locations. That Citation is now final, non-  
28 appealable, and is incorporated by reference as if fully set forth.

1           h.     On or about May 16, 2017, the Cemetery and Funeral Bureau issued Citation  
2     Number IC 2017 49 to Respondent Woodlawn under California Code of Regulations, title 16,  
3     section 2333, and ordered Respondent Woodlawn to immediately perform minimum maintenance  
4     of its property and pay a fine in the amount of \$1,000. That Citation is now final, non-appealable,  
5     and is incorporated by reference as if fully set forth.

6           i.     On or about May 16, 2017, the Cemetery and Funeral Bureau issued Citation  
7     Number IC 2017 118 to Respondent Suarez under Code section 7653.6, subdivision (b), and  
8     ordered Respondent Suarez to exercise appropriate supervision and control as necessary in order  
9     to ensure compliance with California Code of Regulations, title 16, section 2333. The Bureau  
10    also ordered Respondent Suarez to pay a fine in the amount of \$250. That Citation is now final,  
11    non-appealable, and is incorporated by reference as if fully set forth.

12          j.     On or about January 9, 2018, the Cemetery and Funeral Bureau issued Citation  
13    Number IC 2017 270 to Respondent Woodlawn under Code section 7711.1 and California Code  
14    of Regulations, title 16, section 2333, and ordered Respondent Woodlawn to offer gravesite  
15    location services and perform minimum maintenance on the cemetery grounds as required. The  
16    Bureau also ordered Respondent Suarez to pay a fine in the amount of \$1,000. That Citation is  
17    now final, non-appealable, and is incorporated by reference as if fully set forth. The fine has not  
18    been paid.

19          k.     On or about January 10, 2018, the Cemetery and Funeral Bureau issued  
20    Citation Number IC 2017 366 to Respondent Suarez under Code section 7653.6, and ordered  
21    Respondent Suarez to offer gravesite location services and perform minimum maintenance on the  
22    cemetery grounds as required. The Bureau also ordered Respondent Suarez to pay a fine in the  
23    amount of \$500. That Citation is now final, non-appealable, and is incorporated by reference as if  
24    fully set forth. The fine has not been paid.

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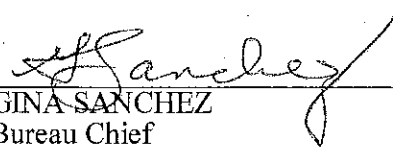
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking Certificate of Authority License No. COA 645, issued to Woodlawn Memorial Park, Ruben Suarez;
2. Revoking Cemetery Manager License No. CEM 224, issued to Ruben Suarez;
3. Ordering Woodlawn Memorial Park and Ruben Suarez to pay the Cemetery and Funeral Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: 03-21-2019

  
GINA SANCHEZ  
Bureau Chief  
Cemetery and Funeral Bureau  
Department of Consumer Affairs  
State of California  
*Complainant*

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